

From: [Thompson, Natalie](#)
To: [Kopplin, Rebecca M. \(CIV\)](#); [Hunker, Kathleen](#)
Cc: [Vega, Oliver](#); [Saunders, Elizabeth](#)
Subject: RE: VRLC v. Cardona, 1:20-cv-11104-WGY
Date: Tuesday, August 17, 2021 2:38:14 PM

Rebecca,

Thank you very much for your prompt response. We would very much appreciate the courtesy of notice when the Government does make a decision about appeal. As I'm sure you know, Texas has a pending interlocutory appeal of our motion to intervene to which the parties' next steps are relevant.

Don't hesitate to call Kathleen or me to discuss. Thanks again.

Best,
Natalie

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From: Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>
Sent: Tuesday, August 17, 2021 9:34 AM
To: Hunker, Kathleen <Kathleen.Hunker@oag.texas.gov>
Cc: Vega, Oliver <Oliver.Vega@lewisbrisbois.com>; Thompson, Natalie <Natalie.Thompson@oag.texas.gov>; Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>
Subject: RE: VRLC v. Cardona, 1:20-cv-11104-WGY

Dear Ms. Hunker,

I don't have any information to share on those topics at this point—we're still in the process of evaluating our litigation options.

Warm regards,

Rebecca

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From: Hunker, Kathleen <Kathleen.Hunker@oag.texas.gov>
Sent: Monday, August 16, 2021 4:10 PM
To: Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>
Cc: Vega, Oliver <Oliver.Vega@lewisbrisbois.com>; Thompson, Natalie <Natalie.Thompson@oag.texas.gov>; Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>
Subject: VRLC v. Cardona, 1:20-cv-11104-WGY

Dear Ms. Kopplin,

I represent the State of Texas in the above matter. On July 28, 2021, the U.S. District Court for the District of Massachusetts issued an order for judgment in *VRLC v. Cardona*, 1:20-cv-11104-WGY. In that order, the Court upheld the vast majority of the Department of Education's 2020 Title IX Rule but found Section 106.45(b)(6)(i)'s prohibition of statements not subject to cross-examination to be arbitrary and capricious. I write to inquire whether the Department: (1) intends to appeal the court's finding that Section 106.45(b)(6)(i) violates the Administrative Procedure Act; and (2) intends to defend the upheld portions of the Title IX Rule should the plaintiffs elect to appeal.

Thanks in advance for your prompt response.

Kathleen Hunker

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